

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

CHARLES G. HATCHETT,

Plaintiff,

v.

Case No. 10-C-0265

JUDGE WILLIAM EICH, IN HIS OFFICIAL
CAPACITY AS CHAIR OF THE GOVERNMENT
ACCOUNTABILITY BOARD; JUDGE GORDON
MYSE, IN HIS OFFICIAL CAPACITY AS VICE
CHAIR OF THE GOVERNMENT
ACCOUNTABILITY BOARD; JUDGE THOMAS
BARLAND, IN HIS OFFICIAL CAPACITY AS
SECRETARY OF THE GOVERNMENT
ACCOUNTABILITY BOARD; JUDGE MICHAEL
BRENNAN, IN HIS OFFICIAL CAPACITY AS A
MEMBER OF THE GOVERNMENT
ACCOUNTABILITY BOARD; JUDGE THOMAS
CANE, IN HIS OFFICIAL CAPACITY AS A
MEMBER OF THE GOVERNMENT
ACCOUNTABILITY BOARD; JUDGE GERALD
NICHOL, IN HIS OFFICIAL CAPACITY AS A
MEMBER OF THE GOVERNMENT
ACCOUNTABILITY BOARD; PHILLIP A.
KOSS, IN HIS OFFICIAL CAPACITY AS
DISTRICT ATTORNEY,

Defendants.

AFFIDAVIT OF JOSHUA GRUBE

STATE OF WISCONSIN)
) ss.
COUNTY OF WALWORTH)

JOSHUA GRUBE, being first duly sworn, on oath deposes and states that:

1. I am the Deputy District Attorney for Walworth County, Wisconsin. I have held such position since 10-28-07.

2. The Walworth County District Attorney, Phillip A. Koss, is out of our office until April 5, 2010. In his absence, I am authorized to execute this affidavit.

3. I am aware that this litigation is virtually identical to a case that was filed in the Eastern District of Wisconsin approximately two years ago, *Swaffer v. Deininger, et al.*, Case No. 08-C-0208.

4. Following the conclusion of the *Swaffer* litigation referenced in the previous paragraph, our office received a letter dated May 27, 2009, from the Wisconsin Government Accountability Board recommending that we refrain from enforcing the statutory provisions that were challenged in the *Swaffer* litigation and that are the subject of this current litigation.

5. The Walworth County District Attorney's office has no intention of enforcing the referenced statutory provisions against the plaintiff in this matter.

s/Joshua Grube
Joshua Grube

Subscribed and sworn to before me
this 31 day of March 2010.

s/Diane M. Donohoo
Notary Public, State of Wisconsin
My commission is permanent.